



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF
WN-15J

FEB 27 2019

Philip Livingston, Manager
Bad River Utilities
P.O. Box 39
Odanah, Wisconsin 54861

Re: Draft NPDES Permits
Diaperville Stabilization Lagoon (WI-0036544-5)
Birch Hill Stabilization Lagoon (WI-0036579-5)
Bad River WWTP (WI-0036587-5)

Dear Mr. Livingston:

We reviewed the National Pollutant Discharge Elimination System (NPDES) permit applications dated May 4, 2018 for the above referenced facilities located within the Bad River Indian Reservation. Please find enclosed for your review and comment, a copy of the draft NPDES permits and Statements of Basis for the discharges from the facilities. The permits were drafted based on information contained in the applications and other information contained in the administrative records, and in accordance with the Clean Water Act, as amended.

Please note that the draft permits contain the following changes from the last issued permits:

Diaperville Stabilization Lagoon

- Monitoring for mercury in the influent and effluent has been removed as well as has the Pollutant Minimization Program (PMP) for mercury.
- The Reporting requirement has been changed to require electronic submittal of DMRs. (Part I.E.2)
- Additional requirements related to Asset Management have been added. (Part I.E.5)
- The ammonia reopener clause has been removed.

Birch Hill Stabilization Lagoon

- Monitoring for mercury in the influent and effluent has been removed as well as has the Pollutant Minimization Program (PMP) for mercury.
- The Reporting requirement has been changed to require electronic submittal of DMRs. (Part I.E.2)
- Additional requirements related to Asset Management have been added. (Part I.E.5)

- The permit requires the submittal of a Phosphorus Operational Evaluation Report annually. (Part I.E.9)
- The ammonia reopener clause has been removed.

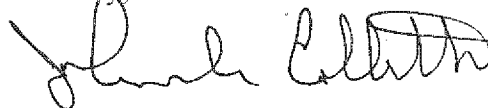
Bad River WWTP

- Effluent limits for mercury and ammonia have been added to the permit (Part I.A).
- The Reporting requirement has been changed to require electronic submittal of DMRs. (Part I.C.2)
- Additional requirements related to Asset Management have been added. (Part I.C.3)
- The ammonia reopener clause has been removed.
- A compliance schedule for meeting the new effluent limits for mercury has been added (Part I.C.5).
- A special condition has been added requiring the permittee to notify EPA if the disinfection method is changed (Part I.C.10)
- The permit requires the submittal of a Phosphorus Operational Evaluation Report annually. (Part I.C.12)

Where tribes have federally approved water quality standards that are applicable at the point of discharge, federal NPDES permits cannot be issued unless water quality certification for the discharge is granted or waived pursuant to Section 401 of the Clean Water Act. It is the permittee's responsibility to ensure that a final Section 401 action from the Bad River Band Tribal Council is provided to EPA so that the permitting process can continue.

I ask that you or your staff provide me, at the above address, any comments regarding the draft NPDES permit by March 20, 2019 so that we may proceed to the public notice phase of permit issuance. You will also have an opportunity to comment at that time, but it is my hope that all your concerns can be addressed prior to the public notice. If you have any questions, please call me at (312) 886-6106.

Sincerely,



John A. Colletti
Native American NPDES Permitting

Enclosures

cc: Michael Wiggins, Jr., Chairman, Bad River Band of Lake Superior Chippewa Tribe
Naomi Tillison, Natural Resources Director, Bad River Band
Michelle Balk, Natural Resources Basin Supervisor, WDNR-Spooner